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ATTACHMENT 2 - EEOC Complaint Form

JUL 30 2009

United States District Court
for the Western District of Texas
Austin Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY V DEPUTY CLERK

ALFREDO Z. DELGADO

(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

SUSAN COMBS

A09CA 571 SS
(Case Number to be supplied
by the Intake Clerk)

JANET BRAYBRYANT LOMAXANN O'CONNELLTo Samuel

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by ALFREDO Z. DELGADO Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☒ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).
- ☒ The Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)

2. Defendant ALFREDO Z. DEBARR (Defendant's name) lives at, or its business is located at 709 Huff St. (street address), Taylor (city), TX (state), 76574 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 111 E 17th St. (street address), Austin (city), TX (state), 78711 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 1,000 + (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about (month) (day) (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: From January 1, 2008 until February 9, 2009
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about (month) (day) (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on (month) (day) (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a Determination in your case:

☐ Yes
☐ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT.

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) Hispanic (Mexican American)
- ☐ Color (If applicable, state color) _____
- ☒ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) male
- ☐ Religion (If applicable, state religion) _____
- ☒ National Origin (If applicable, state national origin) Hispanic
- ☒ Age (If applicable, state date of birth) July 13, 1946
- ☒ Disability (If applicable, state disability) PTSD + Prostate problems
from Vietnam experiences.
- ☒ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) Please
refer to ATTACHMENT H

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☒ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☐ other (specify) _____
- _____
- _____
- _____
- _____

- 8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

Refer to ATTACHMENTS A1 and A2

- 8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Ms Yolanda Romero

- 8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

Refer to ATTACHMENTS A1 and A2
Also refer to ATTACHMENT L

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

☐ still being committed by defendant.
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

☐ Defendant be directed to employ plaintiff.

☒ Defendant be directed to re-employ plaintiff.

☐ Defendant be directed to promote plaintiff.

☐ Defendant be directed to, Please Refer to ATTACHMENT J,
J(1), J(2), J(3)

_____ and that the Court grant
such other relief as may be appropriate, including injunctive orders, damages, costs
and attorney's fees.

I declare (or certify, verify, or state) under
penalty of perjury that the foregoing is true
and correct.

July 22, 2009
Date

Alfredo Z. Delgado
Signature of Plaintiff

709 Huff St.
Address of Plaintiff

Taylor, TX 76574
City State Zip Code

(512) 365-8154 (H)
Telephone Number(s)

(512) 216-3729 (C)